

AN ACT relating to roofing contractors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 367.628 is amended to read as follows:

- (1) On or after July 12, 2012, a roofing contractor shall not represent, negotiate, or advertise to represent or negotiate on behalf of an owner of residential real estate on any insurance claim in connection with the repair or replacement of a roof system. Nothing in this subsection shall be construed to prohibit a roofing contractor from:
- (a) Providing an estimate for repair, replacement, construction, or reconstruction of the property to the owner of residential real estate; or
 - (b) Conferring with an insurance company's representative about damage to the property after a claim has been submitted by the owner of residential real estate.

This subsection shall not apply to a public adjuster licensed under Subtitle 9 of KRS Chapter 304.

- (2) On or after July 12, 2012, a roofing contractor or person representing a roofing contractor shall not:
- (a) Offer to pay or rebate all or any portion of an insurance deductible or claims proceeds as an inducement to the sale of goods or services related to a residential roof contract;
 - (b) Grant an allowance or discount against the fee to be charged under the contract;~~{or}~~
 - (c) Pay the owner of residential real estate for whom services have been performed pursuant to KRS 367.620 to 367.628, for any reason, any form of compensation in excess of one hundred dollars (\$100), including but not limited to a:
 - 1. Bonus;
 - 2. Coupon;

3. Credit;
4. Gift;
5. Prize;
6. Referral fee; or
7. Any other item having a monetary value;~~[-]~~

(d) Knowingly cause damage to a roof before repair or replacement in order to increase the scope of repair or replacement to a roof system, or encourage a person to cause damage to a roof in order to secure a contract for repair or replacement; or

(e) Knowingly submit a claim to an insurer for roof repair, replacement, or other related service if the roof was not damaged prior to repair or replacement.

(3) Any person who violates this section shall be subject to a fine in an amount of not less than one thousand dollars (\$1,000) and not greater than ten thousand dollars (\$10,000).

(4) In enforcing this section, the powers, remedies, and duties provided to the Attorney General by KRS 367.190 to 367.300 and 367.990, pertaining to acts declared unlawful by KRS 367.170, shall apply.